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Ann R. Pokalsky  
Nixon Peabody LLP  
990 Stewart Avenue  
Garden City, NY 11530-4838

In re Application of DE VEYLDER et al

U.S. Application No.: 09/937,008

Int. Application No.: PCT/EP00/02441

Int. Filing Date: 20 March 2000

Priority Date: 19 March 1999

Attorney Docket No.: 2364/400 (D 1321 US)

For: METHOD FOR ENHANCING AND/OR  
IMPROVING PLANT GROWTH AND/OR  
YIELD OR MODIFYING PLANT  
ARCHITECTURE

COMMUNICATION

This is in response to the papers filed 23 January 2002.

### **BACKGROUND**

On 20 March 2000, applicant filed international application PCT/EP00/02441, which claimed priority of an earlier European Patent Office application filed 19 March 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 28 September 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 02 October 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 19 September 2001.

On 19 September 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 01 November 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that a properly executed oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 23 January 2002, applicant filed a response to the 01 November 2001 Notification of Missing Requirements. The response states that it includes a signed declaration.

### **DISCUSSION**

A review of the application file indicates that the declaration filed 23 January 2002 consists of two pages. The first page is labeled as "Page 1 of 2", and the second page is labeled as "Page 3 of 3". The declaration does not identify each inventor and the country of citizenship of each inventor as required by 37 CFR 1.497(a)(3).

### **CONCLUSION**

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a), but the period for response set forth in the 01 November 2001 Notification of Missing Requirements may not exceed. A proper response would include a declaration in compliance with 37 CFR 1.497.

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



Bryan Tung  
PCT Legal Examiner  
PCT Legal Office

Telephone: 703-308-6614  
Facsimile: 703-308-6459